



HSRPA Case No: _____
(to be assigned by IHPA)

**APPLICATION FOR PERMIT
TO CONDUCT PRESERVATION WORK
IN A HISTORIC ILLINOIS CEMETERY**

This application applies only to historic cemetery preservation projects to probe the ground to locate and recover buried grave markers and to clean, repair, or reset grave markers in an unregistered cemetery. This application is not for scientific research relating to any other federal, state, or private undertaking. If human remains are found during any stage of the probing or restoration, all work must cease. You must notify the county coroner and our office within 48 hours of the discovery by authority of the Illinois Human Skeletal Remains Protection Act (HSRPA) (20 ILCS 3440).

Permit applicants are strongly encouraged to refer to the "Illinois Historic Cemetery Preservation Handbook: A Guide to Basic Preservation" (available for free at www.illinoishistory.gov/Cemetery) to help guide you through your preservation project.

Applicant:

Name:		
Affiliation (if applicable):		
Address:		
City:	State:	ZIP Code:
Telephone Number:	E-mail address:	

Cemetery Information:

Cemetery Name (<i>only one cemetery per application</i>):		
Address or GPS Coordinates:		
City:	County:	
Section:	Township:	Range:

Project Information:

Approximate number of known graves in cemetery:
Approximate number of markers to be cleaned, recovered and/or reset:
Will the pieces be taken off-site for cleaning and repair? If yes, please indicate where they will be stored, cleaned, and repaired:

Describe the work to be done. Be sure to explain how markers will be located, cleaned, repaired, and/or reset.

Checklist for Application:

- Written permission to clean and preserve a cemetery is required from the landowner (sample letter attached).
- If land owned by a person other than the cemetery owner will be crossed to access the cemetery, a letter granting permission to cross the land must be included.
- All requests must include a map (e.g. topographic, township, or street) with the location of the cemetery clearly marked.
- Applicant must attend a cemetery preservation workshop or work with someone who has received training in these techniques. If you have attended a cemetery preservation workshop, you may not need additional training, but you still need to apply for a permit.
- Within thirty (30) days of the completion of the work, the applicant must submit a report summarizing work performed. Contact the HSRPA Coordinator at 217/558-8973 for a copy of the report format.
- Submit the application and report to the Dawn Cobb, HSRPA Coordinator, Illinois Historic Preservation Agency, 1 Old State Capitol Plaza, Springfield, Illinois, 62701 or by FAX: 217/782-8161 or by E-mail: dawn.cobb@illinois.gov.
- Questions? Please contact the Illinois Historic Preservation Agency, Division of Preservation Services at 217/558-8973 or by E-mail: dawn.cobb@illinois.gov.

Illinois Historic Preservation Agency
Division of Preservation Services
1 Old State Capitol Plaza
Springfield, Illinois 62701
Telephone: 217/558-8973
Fax: 217/782-8161
www.illinoishistory.gov/Cemetery

PERMISSION TO CLEAN AND PRESERVE A HISTORIC ILLINOIS CEMETERY

The landowner grants permission to the individual or group of individuals named below acting in a volunteer capacity to clean and restore the _____ Cemetery, located in _____ Township, _____ County, Illinois, with the understanding that such efforts may include plant removal (including trees less than 6 inches in diameter; trees will be cut flush with the ground surface and the roots left in place), probing for and excavation of buried grave markers, and repairing and resetting markers.

Signature of Landowner

Date

The volunteer(s) agrees to perform the tasks proposed to the best of his/her ability, promising to act in good faith to clean the above named cemetery, to be responsible for the action of any person(s) working under the volunteer's supervision, to be responsible for any damage sustained at the site and exercise due and diligent care to prevent injury to the cemetery or any person(s). The volunteer named below further agrees that his/her efforts shall comply with and have been approved by the Illinois Historic Preservation Agency.

Signature of Volunteer

Date

Printed Name and Address of Volunteer

Phone Number

E-mail Address

HSRPA Case No: _____
(to be assigned by IHPA)

EXECUTIVE BRANCH
(20 ILCS 3440/) Human Skeletal Remains Protection Act.

(20 ILCS 3440/0.01) (from Ch. 127, par. 2660)

Sec. 0.01. Short title. This Act may be cited as the Human Skeletal Remains Protection Act.

(Source: P.A. 86-1324.)

(20 ILCS 3440/1) (from Ch. 127, par. 2661)

Sec. 1. Definitions. For the purposes of this Act:

(a) "Human skeletal remains" include the bones and decomposed fleshy parts of a deceased human body.

(b) "Unregistered graves" are any graves or locations where a human body has been buried or deposited; is over 100 years old; and is not in a cemetery registered with the State Comptroller under the Cemetery Care Act.

(c) "Grave artifacts" are any item of human manufacture or use that is associated with the human skeletal remains in an unregistered grave.

(d) "Grave markers" are any tomb, monument, stone, ornament, mound, or other item of human manufacture that is associated with an unregistered grave.

(e) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representatives appointed by order of any court, the Federal and State governments, including State Universities created by statute or any city, town, county or other political subdivision of this State.

(f) "Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves, and grave markers.

(Source: P.A. 86-151.)

(20 ILCS 3440/2) (from Ch. 127, par. 2662)

Sec. 2. Legislative finding and intentions. The General Assembly finds that existing laws do not provide equal or adequate protection for all human graves. There is a real and growing threat to the safety and sanctity of unregistered and unmarked graves. Numerous incidents in Illinois have resulted in the desecration of human remains and vandalism to grave markers. Similar incidents have occurred in neighboring states and as a result those states have increased their criminal penalties for such conduct. There is a strong likelihood that persons engaged for personal or financial gain in the mining of prehistoric and historic Indian, pioneer, and Civil War veteran's graves will move their operations to Illinois to avoid the increased penalties being imposed in neighboring states. There is an immediate need for legislation to protect the graves of these earlier Illinoisians from such desecration. The General Assembly intends to assure with this Act that all human burials be accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural backgrounds or religious affiliations.

The General Assembly also finds that those persons engaged in the scientific study or collecting of artifacts which have not been acquired in violation of law are engaged in legitimate and worthy scientific, educational and recreational

activities. This Act is not intended to interfere with the continued legitimate collecting activities or studies of such persons; nor is it intended to interfere with the normal enjoyment of private property owners, farmers, or those engaged in the development, mining or improvement of real property.

(Source: P.A. 86-151.)

(20 ILCS 3440/3) (from Ch. 127, par. 2663)

Sec. 3. Any person who discovers human skeletal remains subject to this Act shall promptly notify the coroner. Any person who knowingly fails to report such a discovery within 48 hours is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner had already been so notified. If the human skeletal remains appear to be from an unregistered grave, the coroner shall promptly notify the Historic Preservation Agency prior to their removal. Nothing in this Act shall be construed to apply to human skeletal remains subject to "An Act to revise the law in relation to coroners".

(Source: P.A. 86-151.)

(20 ILCS 3440/4) (from Ch. 127, par. 2664)

Sec. 4. It is unlawful for any person, either by himself or through an agent, to knowingly disturb human skeletal remains and grave artifacts in unregistered graves protected by this Act unless such person obtains a permit issued by the Historic Preservation Agency.

(Source: P.A. 86-151.)

(20 ILCS 3440/4.5)

Sec. 4.5. O'Hare Modernization. Nothing in this Act limits the authority of the City of Chicago to exercise its powers under the O'Hare Modernization Act or requires that City, or any person acting on behalf of that City, to obtain a permit under this Act when acquiring property or otherwise exercising its powers under the O'Hare Modernization Act.

(Source: P.A. 93-450, eff. 8-6-03.)

(20 ILCS 3440/5) (from Ch. 127, par. 2665)

Sec. 5. It is unlawful for any person, either by himself or through an agent, to knowingly disturb a grave marker protected by this Act unless such person obtains a permit issued by the Historic Preservation Agency.

(Source: P.A. 86-151.)

(20 ILCS 3440/6) (from Ch. 127, par. 2666)

Sec. 6. It is unlawful for any person, either by himself or through an agent, to offer any human skeletal remains, grave artifacts or grave markers for sale or exchange with the knowledge that they have been collected or excavated in violation of this Act.

(Source: P.A. 86-151.)

(20 ILCS 3440/7) (from Ch. 127, par. 2667)

Sec. 7. It is unlawful for any person, either by himself or through an agent, to knowingly allow the disturbance of human skeletal remains, unregistered graves, or grave markers on property controlled by that person unless such disturbance

is authorized by a permit issued by the Historic Preservation Agency.

(Source: P.A. 86-151.)

(20 ILCS 3440/8) (from Ch. 127, par. 2668)

Sec. 8. The State's Attorney of the county in which a violation of Sections 4, 5, 6 or 7 of this Act is alleged to have occurred, or the Attorney General, may be requested by the Director of the Historic Preservation Agency to initiate criminal prosecutions or to seek civil damages, injunctive relief and any other appropriate relief. The Historic Preservation Agency shall co-operate with the State's Attorney or the Attorney General. Persons aware of any violations of this Act shall contact the Historic Preservation Agency.

(Source: P.A. 86-151.)

(20 ILCS 3440/9) (from Ch. 127, par. 2669)

Sec. 9. The Historic Preservation Agency is authorized to offer a reward of up to \$2000 for information leading to the arrest and conviction of persons who violate Sections 4, 5, 6 and 7 of this Act.

(Source: P.A. 86-151.)

(20 ILCS 3440/10) (from Ch. 127, par. 2670)

Sec. 10. Any violation of Sections 4, 6 or 7 of this Act is a Class A misdemeanor and the violator shall be subject to imprisonment for not more than 1 year and a fine not in excess of \$10,000; any subsequent violation is a Class 4 felony. Each disturbance of an unregistered grave constitutes a separate offense.

(Source: P.A. 86-151.)

(20 ILCS 3440/11) (from Ch. 127, par. 2671)

Sec. 11. Any violation of Section 5 of this Act is a Class B misdemeanor and the violator shall be subject to imprisonment for not more than 6 months and a fine not in excess of \$500; any subsequent violation is a Class A misdemeanor. Each disturbance of a grave marker constitutes a separate offense.

(Source: P.A. 86-151.)

(20 ILCS 3440/12) (from Ch. 127, par. 2672)

Sec. 12. Persons convicted of a violation of Section 4 or 5 of this Act shall also be liable for civil damages to be assessed by the Historic Preservation Agency. Civil damages may include:

(a) forfeiture of any and all equipment used in disturbing the protected unregistered graves or grave markers;

(b) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;

(c) any and all costs associated with restoring the land to its original contour or the grave marker to its original condition;

(d) any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the unregistered burials or grave markers;

(e) any and all costs associated with the reinterment of the human skeletal remains;

(f) any and all costs associated with the determination and collection of the civil damages.

When civil damages are recovered through the Attorney General, the proceeds shall be deposited into the Historic Sites Fund; when civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board.
(Source: P.A. 86-151.)

(20 ILCS 3440/13) (from Ch. 127, par. 2673)

Sec. 13. (a) The Historic Preservation Agency shall develop regulations, in consultation with the Illinois State Museum, whereby permits may be issued for the removal of human skeletal remains and grave artifacts from unregistered graves or the removal of grave markers.

(b) Each permit shall specify all terms and conditions under which the removal of human skeletal remains, grave artifacts, or grave markers shall be carried out. All costs accrued in the removal of the aforementioned materials shall be borne by the permit applicant. Upon completion of the project, the permit holder shall submit a report of the results to the Historic Preservation Agency.
(Source: P.A. 86-151.)

(20 ILCS 3440/14) (from Ch. 127, par. 2674)

Sec. 14. All human skeletal remains and grave artifacts in unregistered graves are held in trust for the people of Illinois by the State and are under the jurisdiction of the Historic Preservation Agency. All materials collected under this Act shall be maintained, with dignity and respect, for the people of the State under the care of the Illinois State Museum.
(Source: P.A. 86-151.)

(20 ILCS 3440/15) (from Ch. 127, par. 2675)

Sec. 15. The Historic Preservation Agency shall promulgate such regulations as may be necessary to carry out the purposes of this Act.
(Source: P.A. 86-151.)

(20 ILCS 3440/16) (from Ch. 127, par. 2676)

Sec. 16. Activities reviewed by the Historic Preservation Agency pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and activities permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), or the rules and regulations promulgated thereunder or any law, rule or regulation adopted by the State of Illinois thereunder shall be exempt from these permitting requirements.
(Source: P.A. 86-151.)

CLEANING MARBLE STONES

These methods are meant for simple cleaning of markers. It is not the intent of the cleaning to return the stone to the original brightness. Some weathering and color change is natural and to be expected. If the surface has excessive granulation (efflorescence), then a poultice treatment may be necessary. If so, then you should consult the references in the appendix or a professional for the correct treatment method. The same is true if the marker has particularly difficult stains caused by paint, metal, or organic material. Do not clean the stone if there is a possibility of temperatures going below freezing with 72 hours of the cleaning. **Do not clean the stone more than once every three years.**

Tools

- white nylon or natural bristle brush (no dye or colored handles)
- soft-bristle brush/paintbrush
- soft toothbrush, wooden craft sticks
- one gallon plastic bucket, metal buckets should not be used since they may roll into and mark the stone.
- sturdy rubber gloves, eye goggles
- two 2x4 boards (for drying)
- two 2x4 boards (cut to fit across the width of the wheelbarrow),
- measuring cup w/pour spout
- 2 or 5 gallon tank sprayer filled with clean water
- 2 spray bottles
- 2 saw horses (or wheelbarrow) w/ two 2x4 boards laid across to support stones during cleaning
- white rags
- camera, scale (measuring tape or yard stick), pencil, and graph paper
- knee protection (knee pads or carpet square)

Cleaning Solutions

- ammonia solution (1 cup ammonia to 5 cups clean water) in spray bottle
- non-ionic soap, i.e. Orvus soap solution (1/8 cup soap to 1 gallon clean water in plastic gallon bucket (purchase at farm supply store).

If the stone is in one piece

Step 1: Inspect the stone. Be sure there is not excessive efflorescence (surface granulation) or exfoliation (peeling of thin sheets). Although cleaning does remove some of the surface material, it should never result in further deterioration of stone markings or excessive removal of surface material. Do not attempt to clean if the surface appears to be unstable.

Step 2: Photograph and record the condition of the stone before cleaning.

Step 3: Set the two 2x4 boards across the wheelbarrow or saw horses and lay stone on boards. Brush off loose dirt particles. A soft toothbrush or craft stick may come in handy to clean dirt from crevices. Be careful not to dig into the stone, especially in the cracks and crevices, which may be soft.

Step 4: Begin by cleaning the back side of the stone first. Wet the stone with water prior to, during, and after cleaning to prevent ammonia and soap from soaking into the stone. **Never allow the ammonia or soap to dry on the stone surface.** Use plenty of water. Spray the stone with ammonia solution and scrub. Remember to clean the sides and the breaks, if present. Rinse with water.

Step 5: Wet stone with non-ionic soap solution and scrub. Rinse brush and stone between scrubbing.

Step 6: When completed, thoroughly rinse with clean water (sprayer). Turn stone over and clean the front side, following the steps above.

Step 7: Place a couple of 2x4 boards flat on the ground and spaced about 1-2 feet apart. On these, place the cleaned stone to dry. Be sure to keep the stone up off the ground to allow all sides to dry. When the front of the stone is dry, turn it over to allow reverse side to dry. The stone should be dry within the hour, but the drying time will depend on the humidity and how windy it is.

Step 8: Photograph both sides of the cleaned stoned. Record the date and materials used to clean the marker. The stone is now ready to be re-set.

If the stone is broken into two or more pieces

Before cleaning a broken stone, you should decide if it can and should be repaired. If so, all pieces *must* be cleaned before beginning any reconstruction work. Steps for cleaning a broken stone follow those outlined above. **Be sure to clean all of the broken edges.**

If the stone is intact and is still standing in place

Follow Steps 1, 2 and 4 through 6 and 8.

Clean upright stones in place and from the bottom up to avoid staining. First, begin on the back side of the stone. Next, clean both sides of the marker stone. Finally, clean the front and top of the stone. Rinse thoroughly. Remember, sunlight acts as a natural whitener and any stains that remain on the marker after a cleaning will fade or disappear with time.

Lichens (mossy plant growth) do not penetrate the stone but sit on top. But they do hold moisture which damages the stone. Gently remove the lichens from the stone by brushing them away with a soft-bristled brush or a wood scraper.

NOT TO DO LIST

Because marble markers may be damaged by inappropriate methods of cleaning, repairing, and resetting, the following list is offered as a guide of what **not to do**.

- Do not do anything to a marker that cannot be undone.
- Do not use bleach, salt-laden cleaners or acids, wire brushes, or metal tools to clean markers.
- Do not use household products (Ivory soap, Formula 409, Trisodium phosphate, etc.) to clean markers.
- Do not use ammonia on metal markers.
- Do not use a brush that you would not use on your car.
- Do not make rubbings.
- Do not use chalk, flour, or shaving cream to help read markers.
- Do not use sealants to waterproof markers.
- Do not set markers in concrete.
- Do not discard fragments of markers. Other pieces may yet be discovered.
- Do not use commercial herbicides near markers.
- Do not mow immediately around marker unless the mower has bumper guards. Always avoid touching the marker.
- Do not place adhesive tape on a marker.
- Do not use metal pry bars to lift markers.